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PART 24. LOCAL HEALTH DEPARTMENTS > § 333.2451. **Imminent danger to health or life; determination; duty of local health officer; order; contents; scope; failure to comply; petition to restrain condition or practice; definitions.**

Citation: **mcl 333.2226**

Section: **MCLS § 333.2451**

*MCLS § 333.2451*

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CHAPTER 333 HEALTH  
PUBLIC HEALTH CODE  
ARTICLE 2. ADMINISTRATION  
PART 24. LOCAL HEALTH DEPARTMENTS

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MCLS § 333.2451 (2004)

MCL § 333.2451

§ 333.2451. Imminent danger to health or life; determination; duty of local health officer; order; contents; scope; failure to comply; petition to restrain condition or practice; definitions.

Sec. 2451. (1) Upon a determination that an imminent danger to the health or lives of individuals exists in the area served by the local health department, the local health officer immediately shall inform the individuals affected by the imminent danger and issue an order which shall be delivered to a person authorized to avoid, correct, or remove the imminent danger or be posted at or near the imminent danger. The order shall incorporate the findings of the local health department and require immediate action necessary to avoid, correct, or remove the imminent danger. The order may specify action to be taken or prohibit the presence of individuals in locations or under conditions where the imminent danger exists, except individuals whose presence is necessary to avoid, correct, or remove the imminent danger.

(2) Upon the failure of a person to comply promptly with an order issued under this section, the local health department may petition a circuit or district court having jurisdiction to restrain a condition or practice which the local health officer determines causes the imminent danger or to require action to avoid, correct, or remove the imminent danger.

(3) As used in this section:

(a) "Imminent danger" means a condition or practice which could reasonably be expected to cause death, disease, or serious physical harm immediately or before the imminence of the danger can be eliminated through enforcement procedures otherwise provided.

(b) "Person" means a person as defined in section 1106 or a governmental entity.

**HISTORY:** Act 368, 1978, p 865; eff September 30, 1978.

Pub Acts 1978, No. 368, § 2451, eff September 30, 1978.

Former Acts.

Former § 327.151 was in some respects substantially similar to this section.

**NOTES:**

Statutory references:

Section 1106, above referred to, is § 333.1106 .

Cross References:

Prevention and control of diseases and disabilities, §§ 333.5101 et seq.

Hazardous communicable diseases, §§ 333.5201 et seq.

LEXIS Publishing Michigan analytical references:

Michigan Law and Practice, Public Health and Welfare § 6

**CASE NOTES**

1. In general
2. Power to abate nuisances
3. Pesthouses
4. Liability of city for acts of health officers

1. In general

Former § 327.11 had no application to a city, regardless of former § 327.49, where the city charter provided for the board. It was expressly confined to townships, and it could not have effect in a particular city unless an appropriate supplementary provision in itself was operative in such city. *Shepard v People* (1879) 40 Mich 487.

If a county board of health has a problem with reference to an incorporated city or village in operation of storm sewers as sanitary sewers, such matter should be reported to state health commissioner. Op Atty Gen, August 22, 1957, No. 2866.

2. Power to abate nuisances

Statutes authorize township boards of health in proper proceedings to destroy, remove or prevent nuisances in certain cases. *Ronayne v Loranger* (1887) 66 Mich 373, 33 NW 840.

Customary procedure for abatement of nuisance, sources of filth and causes of sickness that may, in opinion of local boards of health, be injurious to health of inhabitants of area within their jurisdiction, has been by court action. Op Atty Gen, August 22, 1957, No. 2866.

Despite powers granted herein, customary procedure for abatement of public health nuisances for many years has been by court action. (*City of Charlotte Municipal Board of Health v. Santee* (1923) 224 Mich 182; *Township of Kalamazoo v. Lee* (1924) 228 Mich 117; *Township of Kalamazoo v. Kalamazoo Garbage Co.* (1924) 229 Mich 263.) Op Atty Gen, October 30, 1946, No. 0-5154.

Both township and county boards of health have power to abate nuisance injurious to health and to cause cost of abatement to be assessed against owner of premises, under former §§ 327.8-327.10, 327.206. Op Atty Gen, October 30, 1946, No. 0-5154.

3. Pesthouses

The board of health has no power, under sections 288 and 294 of the Lansing charter,

relating to the preservation of health, suppression of disease, and establishment of a pesthouse, to locate a pesthouse in a thickly settled residential district, where, by reason of its location, it will be a nuisance, and where its permanent maintenance will work continuing damage to adjoining and nearby property and will result in the destruction of the home in its comfort and well-being, the discretion lodged in the board being a discretion to be exercised in determining between different lawful locations. Birchard v Board of Health (1918) 204 Mich 284, 169 NW 901, 4 ALR 990.

A declaration in case against a city for entering and using plaintiff's dwelling house as a pesthouse without leave or license (first count), and for entering and expelling plaintiff by force (second count), and for trespass with direct and consequential damage (third count) sounds in tort and will not support a judgment against the city for more than the rental value of the premises, where possession was obtained by a trick of the health officer pretending to rent a house without disclosing the purpose of its use, since though the city is liable for the value of the use it is not liable for the torts of its officers unratified by it. Bodewig v Port Huron (1905) 141 Mich 564, 104 NW 769.

#### 4. Liability of city for acts of health officers

If the officers of a city board of health are so negligent in the matter of disinfecting property as to cause unnecessary damage, they as individuals, and not the city, are liable if any liability attaches. Webb v Board of Health (1898) 116 Mich 516, 74 NW 734.

A city board of health is not compelled to allow compensation for losses of rent and cost of renovation and chattels destroyed occasioned by the quarantining and disinfecting of premises wherein smallpox has broken out, if the only use made of the premises was such as was necessary for the proper care of the patients who were found there suffering from the disease. Webb v Board of Health (1898) 116 Mich 516, 74 NW 734.

A city is not liable for the negligence of its board of health whereby one who had been exposed to smallpox was allowed to go without being placed in quarantine, and so was received into a boarding house occasioning loss and damage to the proprietor. Gilboy v Detroit (1897) 115 Mich 121, 73 NW 128.

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